

HOUSE No. 891

By Mr. Jones of North Reading, petition of Bradley H. Jones, Jr., and others relative to creating Internet access to certain criminal offender record information. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

Bradley H. Jones, Jr.	Susan Williams Gifford
Mary S. Rogeness	Robert S. Hargraves
George N. Peterson, Jr.	Daniel K. Webster
John A. Lepper	Karyn E. Polito
Viriato Manuel deMacedo	Shirley Gomes
Elizabeth A. Poirier	Michael J. Coppola
Jeffrey Davis Perry	Todd M. Smola
Donald F. Humason, Jr.	Richard J. Ross
Susan W. Pope	

In the Year Two Thousand and Five.

AN ACT RELATIVE TO ENHANCING PUBLIC SAFETY BY CREATING A CRIMINAL OFFENDER DATABASE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 167 of chapter 6 of the General Laws, as
2 appearing in the 2002 Official Edition, is amended by adding the
3 following text after the word “incarceration” in line 28:—
4 Notwithstanding the foregoing provisions, conviction information
5 as well as custody status records, including information as to
6 placement within the correctional system, shall be a public record
7 available to the public for any purpose, to be accessible on the
8 Internet in accordance with section 182 of this chapter, provided
9 the following: (a) that conviction information shall also be avail-
10 able by writing to the board; (b) that no information shall be dis-
11 closed that identifies families members, friends, medical or
12 psychological history, or any other personal information unless

13 such information is directly relevant to such release or custody
14 placement decision; and (c) that no information shall be provided
15 if its release would violate any other state or federal law.

1 SECTION 2. Said section 167 of said chapter 6 of the General
2 Laws, as so appearing, is hereby further amended by adding the
3 following new definition:— “Conviction information” shall mean
4 criminal offender record information, which has not been sealed
5 or purged, and which discloses that a person has pleaded guilty or
6 nolo contendere to, or was convicted of any criminal offense, and
7 the information as to the individual’s current status within the
8 criminal justice system, including, but not limited to, information
9 as to whether the individual has been released from custody due to
10 service of sentence, parole or probation, or if incarcerated, the
11 individual’s placement within the correctional system. Cases
12 ending in the disposition of continued without a finding shall not
13 be considered a conviction.

1 SECTION 3. Section 168 of said chapter 6 of the General
2 Laws, as so appearing, is hereby amended by adding the following
3 paragraph after the fourth paragraph:— The board shall establish
4 and maintain a criminal offender database, so-called, that shall be
5 accessible to the public on the internet. Said database shall con-
6 sist of conviction information, and be searchable, at a minimum,
7 by name, town and offense. The database shall also consist of
8 information as to whether the offender is currently released from
9 custody, on parole or probation, or if the offender is incarcerated,
10 his or her placement within the correctional system.

1 SECTION 4. Section 168A of said chapter 6 of the General
2 Laws, as so appearing, is hereby amended by striking out the
3 second paragraph in its entirety.

1 SECTION 5. Section 172 of said chapter 6 of the General
2 Laws, as so appearing, is hereby amended by adding the following
3 words after the word “information” in line 3:— with the exception
4 of conviction information, which shall be a public record,

1 SECTION 6. Said section 172 of said chapter 6 of the General
2 Laws, as so appearing, is hereby further amended by adding the
3 following words after the word “information” in line 57:— with
4 the exception of conviction information, which shall be a public
5 record,

1 SECTION 7. Said section 172 of said chapter 6 of the General
2 Laws, as so appearing, is hereby further amended by striking out
3 the seventh paragraph, contained in lines 97 through 112, in its
4 entirety, and inserting in place thereof the following para-
5 graphs:—

6 Notwithstanding the foregoing provisions, conviction informa-
7 tion shall be public record to be accessible to the general public
8 on the internet, in accordance with section 168 of this chapter pro-
9 vided the following: (a) that conviction information shall also be
10 available by writing to the board; (b) that no information shall be
11 disclosed that identifies families members, friends, medical or
12 psychological history, or any other personal information unless
13 such information is directly relevant to such release or custody
14 placement decision; and (c) that no information shall be provided
15 if its release would violate any other state or federal law.

16 The parole board, except as required by section 130 of
17 chapter 127, the department of correction, a county correctional
18 authority, or probation department with the approval of a justice to
19 the appropriate division of the trial court, may, in its discretion,
20 make available a summary, which may include references to eval-
21 uative information, concerning a decision to release an individual
22 on a permanent or temporary basis, to deny such release, or to
23 change his custody status.

1 SECTION 8. Section 173 of said chapter 6 of the General
2 Laws, as so appearing, is hereby amended by adding the following
3 words after the word “information” in line 2:— with the exception
4 of conviction information, which shall be a public record,

1 SECTION 9. Said section 173 of said chapter 6 of the General
2 Laws, as so appearing, is hereby further amended by striking out
3 the words “shall require preservation of the anonymity of the indi-
4 viduals to whom such information relates” in lines 3 and 4.

1 SECTION 10. Said section 173 of said chapter 6 of the
2 General Laws, as so appearing, is hereby further amended by
3 adding the following words after the word “information” in
4 line 12:— with the exception of conviction information, which
5 shall be a public record,.